

saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 215, A bill to be entitled "An Act creating a Special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1935, against the Road and Bridge Fund of said County, into time warrants, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

RAWLINGS, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 215 by striking out in the third sentence in Section 1, the words, "or otherwise."

Committee Amendment No. 2.

Amend H. B. No. 215 by striking out in the third sentence in Section 1, the words and figures forty (40) and inserting in lieu thereof, the words and figure ten (10).

Committee Amendment No. 3.

Amend H. B. No. 215, by striking out the words and figures six (6) in the third sentence of Section 1 and inserting in lieu thereof, the word and figure five (5).

Committee Amendment No. 4.

Amend H. B. No. 215 by striking out Section five (5) of said bill and renumbering the succeeding section accordingly.

Committee Amendment No. 5.

Amend the caption to H. B. No. 215 to conform to changes made in body of bill.

TWENTY-SECOND DAY

(Continued).

(Tuesday, February 16, 1937)

The Senate met at 10 o'clock a. m. and was called to order by the President Pro Tempore.

Appointments Announced.

The President Pro Tempore laid before the Senate, and had read, the following communication received by the Secretary of the Senate:

Lieutenant Governor's Office,

Austin, Texas, Feb. 12, 1937.

Hon. Bob Barker, Secretary of the Senate.

My Dear Bob: In conformity with Senate Resolution No. 12 calling for the appointment of five members for an investigating committee, I am this day appointing the following: Senators Holbrook, Collie, Hill, Weinert and Stone.

Won't you please read this announcement Monday when the Senate convenes?

Very sincerely yours,

WALTER F. WOODUL.

Reports of Standing Committees.

Reports on Senate Bills Nos. 47, 175, 244, 238, 95, 121, 171, 84, on House Bills No. 10 and 358, on S. J. R. No. 6, and on S. C. R. No. 6, by unanimous consent, were submitted by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills by unanimous consent, at this time, were introduced, read first time, and referred to appropriate committees as indicated:

By Senator Hill:

S. B. No. 262, A bill to be entitled "An Act to provide that the Statutes of Limitation of Texas shall apply to mineral estates in land; and that adverse possession of the surface shall constitute adverse possession of the minerals, except where the owner of the minerals has exercised, or attempted to exercise, some act of actual possession of same, or has rendered same for taxation; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Burns and Holbrook:

S. B. No. 263, A bill to be entitled "An Act to provide for the Texas Prison Board, through its general manager, to bid for contracts to supply the State with printing, binding and supplies of like character and to enter into such contracts with the Board of Control without executing a bond, setting the amount, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee:

S. B. No. 264, A bill to be entitled "An Act providing that the governing boards of all institutions of collegiate rank supported in whole or in part by funds of the State of Texas shall exempt all citizens of Texas who are the children of men and women who died in active service during the World War or from disability incurred in the line of duty during said war from the payment of all dues, fees and charges whatsoever for tuition; providing that such citizens shall submit satisfactory evidence of his status; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 265, A bill to be entitled "An Act relating to cities having more than one hundred sixty thousand (160,000) inhabitants, who have heretofore acquired, or may hereafter acquire, any water system, in accordance with Chapter 33, of the Acts of the Thirty-ninth Legislature, as amended by Chapter 36, of the First Called Session of the Forty-third Legislature, or in accordance with Article 1109-a, of the Revised Civil Statutes of 1925, or in accordance with any other law where the deferred purchase price for such water system is payable out of the revenues of such water system, and is not payable out of any funds raised, or to be raised, by taxation, and, where the possession, management and control of such water system, during the time the same is incumbered, is by the terms of the deed of trust, or other incumbrance, placed in the hands of a Board of Trustees named, or to be named, in

such incumbrances; etc., and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Spears:

S. B. No. 266, A bill to be entitled "An Act amending Title 5, Revised Civil Statutes of Texas relating to aliens and their rights, limitations and exceptions in respect to the ownership, possession, control and management of lands in Texas; amending Article 167, Revised Civil Statutes of 1925, as relates to the ownership of lots and parcels of land within incorporated cities and towns and to exceptions of certain aliens mentioned in said Title 5 and the several articles of the Statute thereunder; amending Article 168 and Article 170 of said Title 5, Revised Civil Statutes of 1925, in reference to the time of disposing of lands acquired by aliens and reducing the time from five years to two years under certain conditions; and further amending said Title, Revised Civil Statutes of 1925, relating to aliens and their rights, limitations and exceptions by adding thereto Article 177A and Article 177B, placing the burden of proof upon defendants in proceedings instituted by the State under certain conditions; further amending said Title 5 Revised Civil Statutes of 1925 by adding thereto Article 175A, relating to lands escheating to the State under certain circumstances, and creating prima facie presumptions upon proof of certain facts; making it an offense to conspire to violate any law or provision of said Title 5, Revised Civil Statute of 1925, affixing penalties for such offenses, enacting a saving clause, and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Hill, Redditt, Isbell and Pace:

S. B. No. 267, A bill to be entitled "An Act granting to the Sabine-Neches Conservation District, power and Authority to carry on Soil Conservation work within the boundaries of said District; prescribing the duties of the Board of Directors of the Sabine-Neches Conservation District in connection with the administration of this Act; providing for the creation of Soil Conservation sub-districts to engage in conserving

soil resources and preventing and controlling soil erosion; defining the power and duties of such Soil Conservation sub-districts, and providing for the exercise of such powers, including power to acquire property by purchase, gift or otherwise; empowering such sub-districts to adopt programs and regulations for the discontinuance of land-use practices contributing to soil erosion, and the adoption and carrying out of soil conserving land-use practices, and providing for the enforcement of such programs and regulations; providing a penalty for the violation of such regulations; providing for establishing boards of adjustment in connection with land-use regulations and defining their functions and powers; providing for discontinuance of sub-districts; granting and donating to the District for a period of twenty years thirty-five per cent (35%) of all the State ad valorem taxes in the following counties which lie wholly within the watershed of the Sabine and Neches rivers, to-wit: Smith, Wood, Angelina, Nacogdoches, Cherokee, San Augustine, Sabine, Jasper, Newton, Panola, Rusk, Shelby, Rains and Gregg; amending Section 3, Section 4, Section 5 and Section 7, of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature; making an appropriation; providing a saving clause, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Oneal:

S. B. No. 268, A bill to be entitled "An Act to amend Article 1605, Revised Civil Statutes of Texas, 1925, so as to provide that counties having a population of more than seventy-four (74,000) thousand, according to the last Federal Census, and containing one or more cities or towns, other than the county seat, which has in excess of one (1,000) thousand inhabitants, according to the last Federal Census, the Assessor and Tax Collector, with the consent and approval of the Commissioners' Court, may maintain a branch office and appoint a deputy tax collector from each such town or city to perform the duties of deputy tax collector; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Oneal:

S. B. No. 269, A bill to be entitled "An Act to amend Article 6699, Revised Civil Statutes of Texas, 1925, so as to provide that the two additional deputies known as traffic officers, shall have the same right and duty to arrest violators of laws that other deputy sheriffs have; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 270, A bill to be entitled "An Act to amend Article 3899 of the Revised Statutes of Texas of 1925, as amended by Acts of the Forty-fourth Legislature approved November 15th, 1935, so as to add after the words 'Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expense necessary in the proper and legal conduct of his office' in said Article the words 'including the cost of Surety Bonds for his Deputies' and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Woodruff:

S. B. No. 271, A bill to be entitled "An Act to amend Section 4 of H. B. No. 358, Chapter 271 of the Acts of the Regular Session of the Forty-second Legislature, relating to lease of certain State lands, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Senator Shivers:

S. B. No. 272, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19, of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new Section to be known as Section 17-A authorizing the Commission to make reciprocal arrangements with other states and the Federal Government with respect to wages earned and benefits accumulated by employees in other states, and declaring an emergency."

Referred to Committee on State Affairs.

By Senators Hill, Lemens and Shivers:

S. B. No. 273, A bill to be entitled "An Act for safeguarding life and property from electrical hazards and the promotion of the welfare of the public; defining certain words and phrases as used in this Act; establishing a State Electrical Board as a subdivision of the Fire Insurance Division of the Board of Insurance Commissioners; providing for the appointment of members of the State Electrical Board; prescribing the duties of the Board; providing for the Board to issue orders in accordance with the provisions of this Act; providing for the appointment of a Chief Inspector of the Board; requiring a license and examination for all master electricians and journeyman electricians; prescribing certain fees to be charged for licenses and renewals thereof; requiring all electrical materials to meet standard requirements and specifications of the Board; providing for the establishment of installation standards; continuing municipal regulations for inspections of electrical wiring; requiring permits for installation of any electrical work; providing for the appointment of deputy State electrical inspectors; requiring an inspection to be made of electrical work; providing that it shall be unlawful to connect to electrical wiring that has not been inspected; providing that licenses issued hereunder may be revoked for certain violations; requiring records to be kept by the Board; providing for a separate fund to be known as the 'Electrical Administrative Fund'; providing a penalty; providing a saving clause; and declaring an emergency."

Referred to Committee on State Affairs.

Senate Bill No. 24 Re-referred.

On motion of Senator Spears and by unanimous consent, S. B. No. 24 was re-referred from the Committee on State Affairs to the Committee on Commerce and Manufacturing.

Senate Resolution No. 30.

Senator Small by unanimous consent, offered the following resolution:

Whereas, Hon. Ken Regan, former Senator from the wide open spaces,

is present in the Senate gallery and looks out of place any where except on the floor of the Senate; therefore be it

Resolved, That Senator Regan be extended the privileges of the floor for the day and invited to address the Senate.

WINFIELD,
DAVIS,
SMALL,
COLLIE.

The resolution was read and was adopted.

Accordingly, the President Pro Tempore appointed Senators Small, Davis and Winfield to escort Hon. Ken Regan to the President's stand.

The President Pro Tempore presented Senator Small, who in turn presented Senator Regan to the Senate.

Senator Regan then addressed the Senate briefly.

Message From the Governor.

The President Pro Tempore laid before the Senate and had read the following message from the Governor:

Austin, Texas, Feb. 16, 1937.

To the Senate of the Forty-fifth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman and Executive Director of the Unemployment Compensation Commission:

Orville S. Carpenter, of Austin, Travis County, to succeed R. B. Anderson, resigned.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

WALTER F. WOODUL,

Acting Governor of Texas.

The message was referred by the President Pro Tempore to the Committee on Nominations of the Governor.

Senate Bill No. 81 on Final Passage.

(Special Order.)

The President Pro Tempore laid before the Senate as a special order for this hour, on its final passage (the bill having been read third time on February 8, 1937, and having

been taken up on final passage on last Thursday, February 11, and at that time, set as a special order):

S. B. No. 81, A bill to be entitled "An Act declaring all fraternal benefit societies, organized or licensed under the provisions of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas, to be charitable or benevolent institutions and exempting the funds of all such fraternal benefit societies from all and every state, county, district, municipal and school tax, including occupation taxes, other than taxes on real estate and office equipment when same is used for other than lodge purposes; and declaring an emergency."

With the following amendment by Senator Redditt pending:

Amend S. B. No. 81 by adding a new Section to be known as Section 1-a, as follows:

Section 1-a. Every fraternal benefit society seeking the benefits under this Act must furnish to the Board of Insurance Commissioners of the State of Texas at the time requested, and in the form and manner requested, sufficient evidence to the satisfaction of said Board that said fraternal benefit society is operating solely for the benefit of its members and not operating either for profit or for the benefit of its officers, directors or employees. If the Board of Insurance Commissioners finds from the evidence furnished by said fraternal benefit society that it is organized and carried on exclusively for the benefit of its members, and not for the benefit of its officers, directors, agents or employees, then said Board shall issue to said fraternal benefit society a certificate of exemption. If the certificate of exemption is not issued, said society is liable for the payment of taxes as is now provided by law.

By unanimous consent of the Senate, Senator Redditt withdrew the pending amendment.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 81 by adding a new Section, to be known as Section 1-b, as follows:

Sec. 1-b. Nothing in this Act is intended to relieve fraternal benefit societies organized or licensed

under the provisions of Chapter 8 of Title 78, of the Revised Civil Statutes of Texas from filing reports as to its insurance business with the Board of Insurance Commissioners of the State of Texas, as is required of fraternal benefit societies under Chapter 8, Title 78 of the Revised Statutes. The expenses of the examinations are to be paid by said fraternal benefit society as examination fees are now paid by life insurance companies operating in this State.

Senator Hill moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Brownlee.	Rawlings.
Collie.	Roberts.
Cotten.	Spears.
Davis.	Sulak.
Head.	Van Zandt.
Hill.	Weinert.
Isbell.	Winfield.
Lemens.	Woodruff.
Newton.	

Nays—10.

Aikin.	Neal.
Beck.	Pace.
Burns.	Redditt.
Holbrook.	Small.
Moore.	Stone.

Absent—Excused.

Nelson.	Shivers.
Oneal.	Westerfeld.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 81, by adding a new Section, to be known as Section 1-c, as follows:

Sec. 1-c. No fraternal benefit society organized or licensed under the provisions of Chapter 8 of Title 78 of the Revised Civil Statutes of Texas shall be entitled to the benefits of this Act if said society pays to any officer, director, agent or employee annual compensation, either for salaries, wages or commissions, or combined salaries, wages or commissions, in excess of Five Thousand Dollars.

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—3.	
Neal.	Woodruff.
Redditt.	
Nays—27.	
Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Moore.	Westerfeld.
Nelson.	Winfield.
Newton.	

Absent—Excused.

Lemens.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 81 by adding a new Section to be known as Section 1d as follows:

Before any fraternal benefit society shall be entitled to the benefits of this Act, it shall furnish sufficient evidence to the Board of Insurance Commissioners of the State of Texas that it comes within the provisions of Article 4820, Revised Civil Statutes of Texas. If the Board finds that said fraternal benefit society comes within the provisions of said Article, it shall issue a certificate of exemption from taxes now provided by law.

The amendment was lost by the following vote:

Yeas—12.	
Aikin.	Pace.
Burns.	Rawlings.
Holbrook.	Redditt.
Moore.	Shivers.
Neal.	Small.
Oneal.	Woodruff.

Nays—15.

Beck.	Roberts.
Brownlee.	Spears.
Collie.	Sulak.
Cotten.	Van Zandt.
Davis.	Weinert.
Head.	Westerfeld.
Hill.	Winfield.
Isbell.	

Present—Not Voting.

Lemens.	Stone.
Nelson.	

Absent—Excused.

Newton.

Senator Small offered the following amendment to the bill:

Amend S. B. No. 81, line 5, by adding after the word society the following clause:

"Except premiums collected on policies written on the legal reserve plan."

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—6.

Lemens.	Redditt.
Neal.	Small.
Rawlings.	Woodruff.

Nays—24.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Roberts.
Cotten.	Spears.
Davis.	Stone.
Head.	Sulak.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Moore.	Winfield.

Absent—Excused.

Shivers.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 81 by striking out all below the enacting clause and substituting in lieu thereof the following:

That Section 5b of H. B. No. 8, passed by the Forty-fourth Legislature, Third Called Session, Chapter 495, be amended to read as follows:

"Sec. 5b. That a new Article be added to Chapter 2, Title 122, Revised Civil Statutes, to be called Article 7064a, to read as follows:

"Article 7064a. Every group except fraternal benefit societies of individuals, society, association, or corporation domiciled in the State of Texas transacting the business of life, accident, or life and accident, health and accident insurance for profit, or for mutual benefit or pro-

tection, shall at the time of filing its annual statement, report to the Commissioner of Insurance the gross amount of premiums received from or upon the lives of persons residing or domiciled in this State during the preceding year and each of such groups of individuals, society, association, or corporation shall pay an annual tax of one-half of one per cent ($1/2$ of 1%) of such gross premium receipts, provided, however, that this tax shall not apply to local mutual aid associations. If any such group of individuals, society, association, or corporation does more than one kind of insurance business, then it shall pay the tax herein levied upon the gross premium from each kind of insurance written; the provisions of this Act shall not apply to fraternal insurance organizations or societies that limit their membership to one occupation. The report of the gross premium receipts shall be made upon the sworn statement of two principal officers. Deductions from the gross premium receipts shall be allowed any group of individuals, society, association, or corporation for premiums paid for reinsurance in companies authorized to do business in Texas, and the acquisition costs of the first year's premiums. Upon receipt by him of the sworn statements above provided for, the Commissioner shall certify to the State Treasurer the amount of taxes due by each of such group of individuals, society, association or corporation, which tax shall be paid to the State Treasurer on or before the first of March following and the receipt of the Treasurer shall be evidence of the payment of such taxes. No such group of individuals, association, or corporation shall receive a permit to do business until such taxes are paid. The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State against any such insurance organizations and no other occupation or other taxes shall be levied or collected by any county, city or town except State, county and municipal ad valorem taxes upon the real and personal property of such insurance organizations."

The importance of this legislation creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Van Zandt raised a point of order on consideration of the amendment on the ground that it proposes to change the original purpose of the bill and that if the amendment is adopted the bill will become a revenue raising measure, which the constitution requires to originate in the House of Representatives.

The President Pro Tempore sustained the point of order.

Senator Woodruff raised a point of order on further consideration of the bill on the ground that it is a measure relating to revenue which is required by the Constitution to originate in the House of Representatives.

The President Pro Tempore overruled the point of order.

Senator Hill moved the previous question on the passage of the bill, and the main question was ordered.

S. B. No. 81 was passed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—1.

Small.

Absent.

Head.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 16, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following resolutions:

H. C. R. No. 10, Requesting the
Congress of the United States to pass
legislation in some form entitling
the State of Texas and its political
subdivisions to be reimbursed for the
loss of taxes due on the Federal
Government's reforestation program.

H. C. R. No. 16, Granting permis-
sion to the Uvalde Construction
Company of Dallas, Texas, to sue the
State of Texas and the State High-
way Commission, for property dam-
ages.

H. C. R. No. 19, Granting permis-
sion to George H. Guthrie of Godley,
Texas, to bring suit against the
State of Texas and/or the State
Highway Department for personal
damages.

H. C. R. No. 22, Granting permis-
sion to George Wieland of San An-
tonio and El Paso, Texas, permission
to bring suit against the State of
Texas and the Agricultural and Me-
chanical College of Texas for prop-
erty damages.

H. C. R. No. 30, Granting permis-
sion to Floyd Arnwine of Cherokee
County, Texas, permission to sue the
State of Texas for personal damages.

H. C. R. No. 32, Granting permis-
sion to Mrs. Anna Smith, La Nelle
Smith and James A. Gallagher of
Bexar County, permission to sue the
State of Texas and/or the State
Highway Commission for personal
damages.

H. C. R. No. 34, Commending the
Inter-Fraternity Council of the Uni-
versity of Texas, the University of
Texas, and the Police Department of
the City of Austin.

S. C. R. No. 22, Granting permis-
sion to the Hon. R. B. Cross, Judge
of the 52nd Judicial Court of Texas
to be absent from the State of Texas
at certain intervals during the years
of 1937 and 1938.

In compliance with the provisions
of Senate Concurrent Resolution No.
23, the following members have been
appointed on the part of the House:
Messrs. Metcalfe, Petsch and Bell.

The House has passed the follow-
ing bills:

H. B. No. 9, A bill to be entitled
"An Act to amend Section 20 of
Chapter 76 of the Acts of the Forty-
fourth Legislature, Regular Session
of 1935, and declaring an emer-
gency."

H. B. No. 53, A bill to be entitled
"An Act repealing Chapter 10 of the
Laws of the Forty-third Legislature,
First Called Session, being H. B. No.
12, pages 32-41 of the General and
Special Laws of the Forty-third Leg-
islature, First Called Session, and re-
enacting Articles 645, 647, 648, 649,
650 and 651 of the Penal Code of
the State of Texas, to prohibit the
buying and selling of pools or receiv-
ing or making bets on horse racing
and to provide a penalty for its vio-
lation, and declaring an emergency."

H. B. No. 94, A bill to be entitled
"An Act amending Chapter 152, Acts
Forty-second Legislature, Regular
Session, being designated as Article
3920, Revised Civil Statutes of 1925,
providing for the collection of cer-
tain fees by the Board of Insurance
Commissioners for the use and bene-
fit of the State, and declaring an
emergency."

The House has concurred in Sen-
ate amendments to H. B. No. 89 by a
viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills on First Reading.

The following House Bills, re-
ceived from the House today, were
laid before the Senate, read severally
first time and referred by the Presi-
dent Pro Tempore to appropriate
committees as indicated:

H. B. No. 9, to Committee on
State Affairs.

H. B. No. 53, to Committee on
Criminal Jurisprudence.

H. B. No. 94, to Committee on In-
surance.

House Concurrent Resolutions Referred.

The following House Concurrent
Resolutions, received from the House
today, were read severally and were
referred by the President Pro Tem-
pore to the appropriate committee as
indicated:

H. C. R. No. 10, to the Committee
on State Affairs.

H. C. R. No. 16, to the Committee on State Affairs.

H. C. R. No. 19, to the Committee on State Affairs.

H. C. R. No. 22, to the Committee on State Affairs.

H. C. R. No. 30, to the Committee on State Affairs.

H. C. R. No. 34, to the Committee on State Affairs.

Senate Concurrent Resolution No. 31.

Senator Oneal, by unanimous consent, offered the following resolution:

Whereas, Hon. Harold L. Ickes, Secretary of the Interior, has accepted an invitation heretofore extended him by concurrent resolution, to address the Legislature of Texas in joint session; and

Whereas, Secretary Ickes has indicated that 8 p. m. Friday, February 19th, 1937, will be a convenient time for such address; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a Joint Session of the House and Senate be held at 8 p. m., Friday, February 19, 1937, in the Chamber of the House of Representatives, for the purpose of hearing an address by the Hon. Harold L. Ickes; and be it further

Resolved, That the public officials of the United States Government composing Secretary Ickes' party be, and they are hereby invited to accompany him, and occupy seats on the platform during such joint session.

BROWNLEE,
ONEAL.

On motion of Senator Oneal and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution by the Senate at this time.

The resolution was then adopted.

Motion to Re-refer House Bill No. 53.

Senator Woodruff moved that H. B. No. 53 be re-referred from the Committee on Criminal Jurisprudence to the Committee on Agricultural Affairs.

Senator Rawlings moved to table the motion to re-refer.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—21.

Beck.	Redditt.
Brownlee.	Roberts.
Burns.	Shivers.
Collie.	Small.
Cotten.	Spears.
Davis.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Moore.	Westerfeld.
Newton.	Winfield.
Rawlings.	

Nays—6.

Aikin.	Nelson.
Hill.	Oneal.
Lemens.	Woodruff.

Present—Not Voting.

Neal.	Stone.
Pace.	

Absent—Excused.

Head.

Message from the Governor.

A Secretary of the Governor was recognized to present the following message from the Governor, which was read by the Secretary, at the direction of the President Pro Tempore:

Austin, Texas, Feb. 16, 1937.

To the Members of the Forty-fifth Legislature:

I hereby submit to you as an emergency matter for your immediate consideration the attached proposed measure amending the subject matter embraced in Sections 3, 4, 7, 13, and 19 of Chapter 482, creating the Unemployment Compensation System in Texas, passed by the Third Called Session of the Forty-fourth Legislature, and adding a Section to be known as Section 17-A authorizing the Commission to make reciprocal arrangements with other states and the Federal Government with respect to wages earned and benefits accumulated by employees in other states.

Passage of this amendment is necessary to allow employers in Texas, who are now making preparation for payment of contributions, to

determine the type of records to be used under the Act passed by the Third Called Session of the Forty-fourth Legislature creating the Unemployment Compensation System in Texas, and will greatly facilitate and cause to go forward without delay this work which vitally affects so many of the citizenship of Texas. Your prompt action in this matter will be of great benefit to the State.

Respectfully submitted,

WALTER F. WOODUL,
Acting Governor of Texas.

Bill and Resolution Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

H. B. No. 88, "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing such penalty for violation of this Act."

S. C. R. No. 22, Granting Judge R. B. Cross leave of absence from the State.

Senate Joint Resolution No. 6 Set As Special Order.

Senator Holbrook moved that S. J. R. No. 6 be set as a special order for tomorrow immediately after disposal of H. B. No. 10, heretofore set as a special order for tomorrow immediately after the conclusion of the morning call.

Senator Woodruff moved that S. J. R. No. 6 be set as a special order for 12:15 o'clock p. m. today.

Senator Holbrook withdrew his original motion to set the bill as a special order.

Senator Shivers moved as a substitute for the motion of Senator Woodruff that S. J. R. No. 6 be set as a special order for next Monday, February 22, 1937, immediately after conclusion of the morning call.

Question first recurring on the substitute motion of Senator Shivers, yeas and nays were demanded.

The substitute motion prevailed by the following vote:

Yeas—16.

Aikin.	Cotten.
Beck.	Davis.

Lemens.	Shivers.
Nelson.	Small.
Oneal.	Spears.
Pace.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Winfield.

Nays—14.

Brownlee.	Neal.
Burns.	Newton.
Collie.	Roberts.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Weinert.
Moore.	Woodruff.

Absent—Excused.

Head.

Question next recurring on the motion of Senator Woodruff as substituted by the motion of Senator Shivers, it prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Head.

Senate Bill No. 214.

Senator Oneal moved that the rule limiting consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration and passage of S. B. No. 214 during the first 60 days of the session.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Collie.
Beck.	Cotten.
Brownlee.	Davis.
Burns.	Hill.

Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.
Moore.	Spears.
Neal.	Stone.
Nelson.	Sulak.
Newton.	Van Zandt.
Oneal.	Weinert.
Pace.	Westerfeld.
Rawlings.	Winfield.
Redditt.	Woodruff.

Absent—Excused.

Head.

Adjournment.

Senator Burns moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 2:30 o'clock p. m. today.

The motion to adjourn prevailed; and the Senate accordingly, at 12:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Feb. 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to carry into effect Section 48a of Article 111 of the Constitution; to establish a Teachers' Retirement System of Texas; to determine membership and conditions of membership in said system; to provide for a Board of Trustees of said system and for the administration of its affairs; to provide for officers and a Medical Board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribution of the Teacher Savings Fund, the State Accumulation Fund, the Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund of the said system; and to provide a method of financing said system."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

COTTEN, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 47, Section 5, Subsection 2, subdivision "c," by adding after the word "additional" the words "annuity reserve fund, the"; and after the word "amount" and before the word "which" the word "of"; and after the word "be" and before the word "one" the following, "Actuarial equivalent of an annuity of."

Committee Amendment No. 2.

Amend S. B. No. 47, page 10, Section 5, Subsection 7, by striking out the words "have an insurable interest in his life."

Committee Amendment No. 3.

Amend S. B. No. 47, page 11, Section 6, Subsection "c," by striking out the word "member," and inserting in lieu thereof the word "person."

Committee Amendment No. 4.

Amend S. B. No. 47, page 12, Section 6, Subsection 8, by striking out the word "engage" in line 4 of said page, and insert in lieu thereof the words "recommend and nominate to the State Board of Trustees."

Committee Amendment No. 5.

Amend S. B. No. 47, page 16, Section 7, Subsection 5, line 5 of said Subsection, by inserting the words "person or" between the words "such" and "person."

Committee Amendment No. 6.

Amend S. B. No. 47, page 9, Section 5, Subsection 5, paragraph "b," by striking out the word "savings" and substitute in lieu thereof the word "reserve."

Committee Room,

Austin, Texas, Feb. 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 175, A bill to be entitled "An Act providing for the disposition of fees collected, and to be collected from applicants for teacher's certificates, and schools applying for approval under the provisions of Article 2888, Revised Civil Statutes of 1925, by placing same in the General Revenue Fund of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 244, A bill to be entitled "An Act authorizing the County Board of Trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; and providing for the adjustment of outstanding indebtedness; providing for the creation of new independent common school districts and county line districts out of parts of other school districts; and providing for adjustment of any bonded indebtedness and the assumption of said indebtedness; repealing all laws in conflict therewith, but providing that this act shall be cumulative of the provisions of the present law governing common and independent school districts not in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 238, A bill to be entitled "An Act to amend Chapter 7 of the

Acts of the First Called Session of the Forty-third Legislature, by changing the classification of counties eligible under said Act, by enlarging the duration of the period during which county-wide taxes may be levied hereunder, authorizing and validating all actions heretofore taken by commissioners' courts, county officials, counties and school district officials in counties affected hereunder, and authorizing and validating all county-wide school taxes heretofore levied by virtue of said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 95, A bill to be entitled "An Act relating to the salaries of all State officers and all State employees, except judges of the district and all appellate courts, judges of the Supreme Court Commission of Appeals, judges of the commission in aid of the Court of Criminal Appeals, Attorney General and those Constitutional State officers whose salaries are specifically fixed by the Constitution; repealing all laws and parts of laws in conflict herewith, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1, of H. B. No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature, which fixes the salaries of said judges, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 121, A bill to be entitled "An Act defining County Mutual Insurance Companies, providing the hazards against which they may write insurance; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 171, A bill to be entitled "An Act amending Article 7064, Revised Civil Statutes, 1925, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, H. B. No. 8, Article 4, Section 5; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments, and be printed.

COLLIE, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 171, page 2, line 8, by inserting in said line 8 after the words "return premiums," the following: "and dividends."

Committee Amendment No. 2.

Amend S. B. No. 171, page 2, line 9, by adding after the word "holders" the words "as such."

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to provide, with approval

of court, the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Articles 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 358, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi, situated in the Counties of San Patricio, Jim Wells, and Live Oak, or from the waters of the Nueces River between La Fruta Dam on the Nueces River and the highway bridge over the Nueces River near George West, including all of the tributaries of the Nueces River within the boundaries of Live Oak County; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 6, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at its first session, which amendment empowers the Congress to limit, regulate and

prohibit the labor of persons under 18 years of age.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed because of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. C. R. No. 6,

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 31 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 22 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

In Memory
of
Hon. Charles G. Thomas

Senator Woodruff, by unanimous consent, offered the following resolution:

(Senate Resolution No. 31)

WHEREAS, Charles G. Thomas, born December 10, 1879, in Richardson, Dallas County, Texas, and removed to Denton County, Texas, in 1889, with his parents, C. I. Thomas and Emma "Graham" Thomas, and married Roberta Everett of Denton County, Texas, has been called by the Supreme Architect of the Universe from this mundane vale; and

WHEREAS, Throughout a long and active life he was an outstanding citizen and builder in North Texas and represented his county in the Legislature of Texas in the Thirty-fifth and Thirty-sixth sessions, having been chosen by the members to be the Speaker of the House for the Thirty-seventh Legislature in which capacity he served with distinction to himself and honor to the State; and

WHEREAS, It is fitting and proper that the Senate give pause for reflection when an outstanding citizen such as he ceases his beneficent labors for our State and more properly to honor him and to determine with renewed zeal to carry on the work he so nobly advanced; now therefore, be it

RESOLVED, by the Senate of Texas, That we do hereby extend to the surviving family of Charles G. Thomas, upon the part of the Senate of Texas, sincere sympathy with the wish to them that the assurance of the fine life that their beloved departed has lived before them may be of consolation completed only in the confidence that this distinguished Texan will be rewarded fully in the life that is to be beyond the grave; and be it further

RESOLVED, That the Secretary of the Senate be, and is hereby directed to transmit a copy of these resolutions to the bereaved family and that the Senate stand adjourned today in honor of the memory of Charles G. Thomas.

WOODRUFF,
AIKIN,
BECK,
BROWNLEE,
BURNS,
COLLIE,
COTTEN,
DAVIS,
HEAD,
HILL,
HOLBROOK,

ISELL,
LEMENS,
MOORE,
NEAL,
NELSON,
NEWTON,
ONEAL,
PACE,
RAWLINGS,
REDDITT,
ROBERTS,

SHIVERS,
SMALL,
SPEARS,
STONE,
SULAK,
VAN ZANDT,
WEINERT,
WESTERFELD,
WINFIELD.

On motion of Senator Woodruff and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.